

City of Taylorsville
Planning Commission Meeting
Minutes
Tuesday – January 10, 2006 – 7:00 P.M.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

Kristie Overson, Chair
Ted Jensen
Robert “Bip” Daniels
Blaine Smith
Angelo Calacino
Dama Barbour
Scott Bolton
Joan Ruston-Carlson (Alternate)

Community Development Staff

Mark McGrath, Director
Michael Maloy, City Planner
Dan Udall, City Planner
Nick Norris, City Planner
Jean Gallegos, Admin Asst/Recorder

PUBLIC: Terri Christopherson, Jacqueline Phillips, Karen Mae Crespín, Dave Lamb, John Tieser, Edwin Fauvy, Elizabeth Johnson, Travis Johnson, Rebecca Mitchell, Mel Schultz, Ranell Teerlink, Maureen Chandler, Kein Sanders, John May, Andrea May, Mike Bladbach, Marian Iadach, Bob Anderson, Mark Teerlink, Vinh Noang, Phillip Jordan, Mile Rodgers, Delilia Rodgers, Patricia Robinson, Tynette Neff, Therm Woolson, Teresa N. Nieto, Sean Rigby, Roger Rich, Cheryl Rigby, R. L. Roberson, Rain Robertson, Tonya Ferron, Thonda Freed, Dave Oka, Carolyn Delescadas, Doug Anderson, Suzanne Olweik, Alcea Tupounina, Deborah Lin, Claire Cox, Mitch Haycock, Kathie Lamb, Very Huddleston, Ken Wilson, Bonnie J. Wilson, Justin Starter, John Starter, Steve Jones, Margaret Jones, Brice Dallimore, Logan Dallimore, Judson L. Dallimore, Milie Lewis, Ted Vanderlinden, Mary Jane Vanderlinden, Gary S. Jansen, Bob Roberts, Ron White, Amy White, Kevin Ikley, Ludene Inkley, Craig Armstrong, Dawn Armstrong, Bryce Jones, Nicole Jones, Tim Gough, Lisa Fullerton, Ron Fullerton, Britt Sharp, Bart P. Ferrin, Ernest Sweat, Spencer Colby, Valene Colby, Anthony Manning, Larry Fluhartz, Erin Ebert, Debbie Phillips, Dell Phillips, Utahna Tassie, Katherine Hacking, Stan Jacobs, Kathy Jacobs, Jeanine Ummoas, Carlos Morales, Stewart McKnight, Brian Schram, Gaylene Seaman, Mansfield R. Dams, Mitch Seaman, Brock Bradshaw, Teresa Trujillo, Cindy Manchego, Tony Manchego, JoAnn Goop, Matthew Cox, Patti Sims, Loren, Jim Stilt, Kim Madsen, Linda VanLeewen, Harold Van Leewen, Patricia S. Workman, Guy M. Welch, S. L. Morales, Becky Cowl, Luann Sales, Ron White, Kimberly Barlow, Mark Barlow, Aimee Newton, Jo Ellen Chappell, Russ Wall, Les Matsumura

WELCOME: **Commissioner Overson** welcomed those present, explained the process to be followed this evening and opened the meeting at 7:10 p.m. [19:11:43](#)

CONSENT AGENDA

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| 1. Minutes for December 13, 2005 | Approved as presented. |
| 3. 44H05 – Teresa Nieto – Beauty Salon – 3548 W. Crab Apple Circle | Approved. |
| 4. 45H05 – Rebecca Mitchell – Beauty Salon – 6069 S. Don Juan Drive | Approved. |
| 5. 36H05 – Tres Beau Creations – 2228 Canyonlands Circle | Approved. Condition of Review Upon Complaint Added. |

Items 1, 3, 4 and 5. **Items #2 and 6 were removed from the Consent Agenda for public hearing.**
[19:17:43](#)

CONSENT AGENDA MOTION: **Commissioner Daniels** – Madam Chair, I would like to move for approval of the Consent Agenda, including the Minutes if there are no amendments.

SECOND: **Commissioner Barbour**

Commissioner Overson restated the motion - Motion is to approve Items 1, 2, 3, 4, 5

Mr. McGrath 19:14:56 - Madam Chair. In our pre-meeting, it was indicated that on Item #2 the applicant has amended the request. Do you want to include with the approval of the Consent Agenda to honor her amendment? **Commissioner Overson** - We need to be specific on what Item #2 should read and also as part of a discussion, therefore, item is being removed from the Consent Agenda. On Item #5, for the sale of flower arrangements, there should be a condition added that it is reviewable upon complaint. [19:15:25](#) The motion is to approve the Consent Agenda for Items 1, 3, 4 and 5.

VOTE: All Commissioners voted in favor. Motion passes unanimously.

Item 2 was removed from the Consent Agenda and heard during the regular session.

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| 2. 43H05 | <u>Utahna Tassie, 4711 South Cathay Circle</u> – Massage Therapy Home Occupation. (Dan Udall/City Planner) |
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2.1 **Mr. Udall** presented this item in the pre-meeting for inclusion on the Consent Agenda, however, it was subsequently moved by the Commission to the regular agenda in order to discuss the applicant's amendment to have more than five clients each day as originally requested and to amend the hours of operation to end at 10:00 p.m. The applicant is requesting a massage therapy home occupation in a duplex located on a cul-de-sac. Hours of operation are Monday-Saturday, 9:00 a.m. to 9:00 p.m. There is a double-driveway on the site. **Staff recommends approval with the following conditions:**

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. The home occupation is subject to review upon complaint.
3. **[Changed by Motion]** That 4-5 **up to 6** clients can come to the home per day.
4. That the only signage allowed is a three square foot sign attached to the home.
5. That adequate parking is provided on site to accommodate the homeowner's vehicles and customer vehicles coming to the home.
6. **[Changed by Motion]** That customers can come to the home only between the hours of ~~6:00~~ **10:00** a.m. to ~~8:00~~ **10:00** p.m.
7. That the applicant lives in the home and only the applicant residing in the home can be employed in the occupation.
8. **[Changed by Motion]** Business must be conducted on an appointment only basis. That ~~only one~~ **no more than two clients** can come to the home at a time.

2.2 **APPLICANT ADDRESS:** **19:19:22 Utahna Tassie** was present and explained that she wanted to amend her application to accommodate up to six clients per day. She felt she was becoming more efficient at her craft and could easily handle that many clients. She asked for the change in hours to allow time for her customers who work during the day to be able to come during the evening hours. Her request to allow more than one client at a time was due to married couples having appointments together or to allow the person's ride to remain on site during the client's session.

2.3 **SPEAKING:** None in favor or opposition.

2.4 **DISCUSSION:** **Commissioner Overson** expressed concern with the increase in the number of clients and the impact it might have on traffic. **Ms. Tassie** advised that it is only occasionally when the appointments would overlap, however, there was still sufficient parking on site to accommodate. **19:22:37 Commissioner Barbour** asked if the original hours of operation were included on the notice sent to the impacted property owners and was advised by staff that they were. She was concerned that extending the ending hour to 10:00 p.m. may make a difference to the neighbors. **19:23:54 Mr. McGrath** felt that any problems could be handled through the conditional use review upon complaint process. **19:24:23 Commissioner Calacino** felt that one hour would not create that much difference and that the Commission could probably be flexible in this instance and agreed with Mr. McGrath that the review upon complaint stipulation would control this. **Commissioner Daniels**, whose area this is within, agreed with that assessment.

- 2.5 **MOTION:** **Commissioner Calacino - 19:26:13** I would make a motion to grant approval for File #43H05 for a Massage Therapy Home Occupation, based on findings of fact presented in the staff report, discussion amongst the Commissioners and testimony presented this evening, with a couple of modifications to staff's conditions as follows: #3 should read a maximum of six clients coming to the home per day with a maximum of two at one time. Also the hours of operation will be 10:00 a.m. to 10:00 p.m. until proven otherwise that won't work
SECOND: **Commissioner Daniels**
VOTE: All Commissioners voted in favor. Motion passes unanimously.

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| 3. 44H05 | <u>Teresa Nieto, 3548 West Crab Apple Circle (4750 South)</u> – Beauty Salon (Nick Norris/City Planner) |
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3.1 **Mr. Norris** presented this item in the pre-meeting for inclusion on the Consent Agenda. Applicant is seeking approval for a beauty salon home occupation. Proposed hours of operation are 4:00 p.m. to 8:00 p.m., Tuesday through Saturday. Clients would come on an appointment-only basis. **Staff recommends approval subject to the following conditions:**

1. That the applicant receives approval and remains compliant with all applicable reviewing agencies.
2. That the applicant adheres to and remains compliant with Taylorsville Ordinances 13.57.050 Operational Requirements and 13.57.056 Specific Operational Requirements – Class C Home Occupation.
3. That the hours of operation are from 4:00 p.m. to 8:00 p.m., Tuesday through Saturday.
4. That customer visits are made by appointment only and staggered at least 30 minutes apart.
5. That only one name plate sign, attached to the main building and no larger than 3 square feet be allowed and the existing ground sign be removed.
6. That adequate lighting of the customer parking area and walkway to the customer entrance be provided.
7. That the conditional use permit is reviewed upon substantiated or unresolved complaint.

Approved on the Consent Agenda.

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| 4. 45H05 | <u>Rebecca Mitchell, 6069 South Don Juan Drive (2950 West)</u> – Beauty Salon (Nick Norris/City Planner) |
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4.1 **Mr. Norris** presented this item in the pre-meeting for inclusion on the Consent Agenda. Applicant is seeking approval for a beauty salon home occupation. The proposed hours of operation are from 10:00 a.m. to 6:00 p.m., Mondays, Tuesdays and Thursdays through Saturdays. Up to six customers per day would be coming to the home. **Staff recommends approval with the following conditions:**

1. That the applicant receives approval and remains compliant with all applicable reviewing agencies.
2. That the applicant adheres to and remains compliant with Taylorsville Ordinances 13.57.050 Operational Requirements and 13.57.056 Specific Operational Requirements – Class C Home Occupation.
3. That the hours of operation are from 10:00 a.m. to 6:00 p.m., Mondays, Tuesdays, Thursdays, Fridays and Saturdays.
4. That no more than six customers per day come to the home.
5. That customer visits are made by appointment only and staggered at least 30 minutes apart.
6. That only one name plate sign, attached to the main building and no larger than 3 square feet be allowed and the existing ground sign be removed.
7. That adequate lighting of the customer parking area and walkway to the customer entrance be provided.
8. That the conditional use permit is reviewed upon substantiated or unresolved complaint.

Approved on the Consent Agenda.

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| 5. 36H05 | <u>Tres Beau Creations (Travis & Elizabeth Johnson), 2228 Canyonlands Circle (5540 South)</u> – Flower and Craft Retail Sales. (Michael Maloy/City Planner) |
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5.1 **Mr. Maloy** presented this item in the pre-meeting for inclusion on the Consent Agenda. Applicant is seeking approval for a home occupation to sell flower and craft items. The proposed hours of operation are from 8:00 a.m. to 9:00 p.m., Monday through Saturday. The applicant's anticipate no more than three client appointments at the residence per day. **Staff recommends approval with the following conditions:**

1. That the applicant receives approval and remains compliant with all applicable reviewing agencies of the City (i.e., City Building Official, Fire Marshal, Business Licensing, etc.).
2. That the applicant adheres to and remains compliant with Taylorsville Ordinances 13.57.050 Operational Requirements and 13.57.056 Specific Operational Requirements – Class C Home Occupation.
3. That the hours of operation are from 8:00 a.m. to 8:00 p.m., Monday through Saturday.
4. Meetings with clients shall be by appointment only and shall not overlap with other business appointments. Appointments should be separated by a minimum of 15 minutes

5. **[Added by Motion] The Home Occupation permit is reviewed upon complaint.**

Approved on the Consent Agenda with amendment.

6. 50C05 **Karen Mae Crespin, 3503 West Valley Heights Drive** – Conditional Use Review for an Animal Hobby Permit. (Nick Norris/City Planner)

Item #6 was removed from the Consent Agenda and heard during the regular meeting at the request of the applicant.

6.1 **Mr. Norris** [19:27:52](#) presented this item in the pre-meeting for inclusion on the Consent Agenda, however, due to the applicant wishing to speak, the item was moved to the regular agenda and **Mr. Norris** oriented on the site plan, aerial map and images. Applicant currently has three dogs (small poodles). Two of the dogs are adults and the third is four months old. By ordinance, puppies four months old and younger cannot be licensed until they have received the proper immunizations. The applicant would like to license the third dog at this time. Animal Services does not have a history of animal related problems at this house. **Staff recommends approval with the following conditions:**

1. That the applicant receives approval from and remains compliant with all requirements of applicable reviewing agencies (i.e., Salt Lake County Animal Services, Salt Lake Valley Health Department, etc.).
2. The applicant shall comply with all requirements of the animal hobby permit as stated within the City of Taylorsville Code of Ordinances, Title 8, Animals, and any other applicable City ordinance.
3. That the Conditional Use Permit is subject to review upon substantiated and unresolved complaint. Complaints which cannot be resolved by City Staff or Salt Lake County Animal Services personnel may be grounds for permit revocation
4. That the applicant individually licenses the animals. This includes renewing the license and the permit on a yearly basis.
5. That the applicant provides proof of sterilization to Salt Lake County Animal Services for the third dog.
6. **[Changed by Motion]** That the permit is valid for a third "Poodle breed" only. ~~If the applicant chooses a different breed, the application shall be amended by the Planning Commission.~~

6.2 **DISCUSSION:** **Commissioner Smith** asked if the dogs had been sterilized and **Mr. Norris** informed him that the puppy needs to be but it is optional for the other two under the present ordinance.

6.3 **APPLICANT ADDRESS:** **Karen Crespin.** **Ms. Crespin** wanted to bring to the attention of the Commission that the Poodles are not miniature but are very small, with none of them weighing more than 5 lbs. [19:30:16](#) She advised that the nine-year old Poodle has been spayed and that they plan to get the puppy spayed in March. All animals have had their shots and have been licensed. [19:31:26](#)

6.4 **SPEAKING:** None.

6.5 **MOTION:** **Commissioner Barbour** - I move that File #50C05 be approved with staff's listed conditions.

SECOND: **Commissioner Bolton.** [19:32:12](#)

Commissioner Overson restated the motion: A motion has been made by Commissioner Barbour to approve File 50C05 with staff recommendations based on the findings in the staff report and by applicant's testimony. There is a second by Commissioner Bolton.

DISCUSSION: **Commissioner Jensen** - I would like to amend Item #6 to state that the permit is for the third animal specifically rather than just a general term for a Poodle. Then the permit is for a specific animal, just to make it correct. [19:32:52](#) **Commissioner Overson** - Could we say the permit is valid for a third Poodle. **Commissioner Jensen** - They are applying for the permit to have the third Poodle. **Commissioner Daniels** - Clarification Madam Chair. So basically Commissioner Jensen is suggesting that the permit be for the mentioned Poodle only? **Commissioner Jensen** - That is correct. The minute that one of those Poodles is no longer in the home, then the permit is no longer required and could not be traded for another animal. **Commissioner Overson** - Then Condition #6 is amended to read that the permit is valid for a third Poodle breed only.

VOTE: All Commissioners voted in favor. Motion passes unanimously.

HOME OCCUPATION

7. 46H05 **Patricia Robinson, 1777 West 4805 South** – Family Child Day Care Home Occupation. (Dan Udall/City Planner)

[19:34:24](#)

7.1 **Mr. Udall** oriented on the site plan, aerial map and images. The applicant is requesting to care for up to ten children per day. The applicant has two children of her own under the age of six years that attend the child day care. Proposed hours of operation are from 7:00 a.m. to 9:00 p.m., Monday through Friday. There is a double-wide driveway on the site. Applicant will provide a fenced in area and enough open area for each child and has asked to be able to remain open until 9:00 p.m. [19:36:09](#) **Mr. Udall** advised that he had received complaints from neighbors in regards to the number of children. **Staff is recommending approval with the following conditions:**

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. That a maximum of 12 children can attend the family day care home occupation each day. The designated number of children includes the caregiver's own children who are under the age of six and not in full day school. That hours of operation do not exceed 6:00 a.m. to 8:00 p.m.
3. The home occupation is subject to review upon complaint.
4. Meet all City ordinances of Taylorsville including the following:
 - That all vehicles are parked on a hard surface.
 - That all farm animals are removed from the property.
 - That an address sign is placed on the home. That the sign is at least 4" high.
 - That the weeds are removed from the property.
 - That the applicant receives a building permit for the addition.
5. That the outdoor play area shall consist of a minimum of 40 square feet in area per child. That the hours of operation for the outdoor play area shall not exceed 8:00 a.m. to 8:00 p.m.
6. **[Changed by Motion]** The outdoor play area shall be secured by an appropriate, well-maintained **six foot high** fence ~~not less than four feet in height. The Planning Commission may require a fence that exceeds four feet in height as it determines necessary.~~ This fenced in area includes a usable rear yard for the home.
7. The dwelling unit should provide an indoor play area at a minimum of 35 square feet in area per child.
8. **[Changed by Motion]** A minimum of two "**paved**" parking spaces shall be provided for clients, customers or patrons in addition to required residential parking.
9. A maximum of one name plate sign is allowed to be attached to the single-family home. The sign is allowed to be 3 square feet.
10. That the home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes.
11. The dwelling unit and landscaped areas shall be well-maintained.
12. **[Added by Motion]** **There must be a second employee when the number of children exceeds nine.**

7.2 **APPLICANT ADDRESS:** **Patricia Robinson.** **Mrs. Robinson** said that two of the children are hers, five are her grand children and the others belong to her sister. [19:36:53](#) **Commissioner Overson** asked her if she was aware of the ordinance requirement to have an additional care provider for 12 children and **Mrs. Robinson** said that she has made arrangements for that. [19:37:45](#) **Commissioner Overson** asked her if the fence was adequate and **Mrs. Robinson** said there was a fence but that they would install a better fence that is taller. **Commissioner Daniels** asked her if she had received a building permit for the addition referenced by staff's conditions and she replied that one was not required because the structure is a small shed and not an addition to the home. **Commissioner Calacino** questioned why the hours of operation needed to extend to 9:00 p.m. and **Mrs. Robinson** said that was placed on the application to cover emergency situations and had no problem if the hours remained at 8:00 p.m. She also said that she would provide the required size address sign for the home. [19:39:39](#)

7.3 **SPEAKING:** None.

7.4 **CLOSED FOR COMMISSION DISCUSSION OR A MOTION.**

7.5 **MOTION:** [19:40:52](#) **Commissioner Daniels** - I move for approval of File 46H05 subject to written conditions.

SECOND: **Commissioner Calacino** - Can we amend it to add Condition #12 to clarify that there will be a second employee when the number of children exceeds nine? [19:41:32](#) **Commissioner Daniels** - I will accept that amendment. **Commissioner Overson** - I would ask if we can amend Condition #6 to read that the fence should be a 6' high fence because it is backing on a commercial area. **Commissioner Daniels** - I will also accept that amendment. [19:42:10](#) **Commissioner Overson** restated the motion: The motion by Commissioner Daniels is to approve

File 46H05 with staff recommendations, amending #6 to read “a 6 foot high fence” and also adding a condition that there needs to be a second care giver at all times during operating hours. Commissioner Jensen - 19:42:47 On #8, I would like to add the word “paved”, so it is a minimum of two “paved” parking spaces. Commissioner Daniels - I accept that. Commissioner Calacino – I also accept those amendments.

VOTE: All Commissioners voted in favor. Motion passes unanimously.

GENERAL PLAN AMENDMENT

Mr. McGrath advised that the public hearing for Items 8, 9, 10, and 11 will be heard at one time and turned the time over to Mr. Maloy, City Planner.

COMMENT: 19:44:34 Mr. Maloy. The applicant is Cottonwood Partners and Steve Baer is the principle spokesman for this team. Mr. Baer will give a presentation, along with his architects. The first agenda item is an amendment request to the Taylorsville General Plan, specifically to the City Center Master Plan which was adopted by the City Council in July 2003. The purpose for the amendment is to facilitate a pending development proposal, which will also be discussed this evening. The amendments really focus on several key issues within the existing General Plan. The primary intent of the amendments is to allow flexibility in the location of primary entrances. The original plan called for primary entrances to face the public streets. The applicant is requesting that the entrances be located around a center parking court with secondary entrances towards public streets as an option. The second point of the amendment is to expand the view corridors from 5400 South into the shopping center, trying to insure that tenants that are located not directly on 5400 South or 2700 West would have sufficient exposure to be able to generate leasing and tenant locations as well as customers coming to the businesses. The third point is to increase vehicular access within the parking court. There has been also an increase in parking ratios. The applicant has already funded a parking study and their proposals seem to be right in line with what the market would typically require and if they would like, they can address that issue as well. The final point is to amend the Small Area Master Plan to be consistent with their pending development proposal. Staff has met with the applicant to work out some of staff's recommended revisions to the site plan. Mr. Maloy felt like the applicant was comfortable with those revisions.

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| 8. 10G05 <u>Cottonwood Taylorsville, L.C. – 2700 W. 5400 S.</u> – Recommendation to the City Council to Amend the City Center Small Area Master Plan. (Mark McGrath/Community Development Director and Michael Maloy/City Planner) |
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8.1 **Mr. McGrath** said that Cottonwood Partners (Steven Baer), has submitted an application to amend the City Center Small Area Master Plan (CCSAMP) in order to facilitate a pending development proposal for the Taylorsville City Center. **Staff recommends approval with the following conditions:**

1. Proposed amendment shall incorporate corrections and revisions as identified by Staff in their Exhibit D (attached).
2. Applicant shall be required to submit a final copy of the CCSAMP Amendment in a reproducible and/or electronic format acceptable to the Community Development Department Director.

8.2 **APPLICANT ADDRESS:** Applicants addressed all four agenda items at once with Agenda Item 11 (Commercial PUD) and speakers expressed their view regarding all issues at that time. Motion was made at the end of the public hearing on all four items but is being displayed here in the interest of continuity.

- 8.3 **MOTION:** 21:49:39 Commissioner Barbour - On application #10G05 to revise the Taylorsville City Center Small Area Master Plan, I would move that the plan be accepted as proposed with the following changes: Page 20, #15 21:50:42 (Commissioner Calacino suggested the following wording– That might be simple to say that any portion of the document that refers to specifically burying the power lines, have a general statement that it is “encouraged” that the power lines abutting the subject property be buried. Therefore someone will have to go through the document and see if it repeats itself somewhere else and just change it so it is just a general statement, which takes away the economic feasibility question). 21:51:23. Commissioner Barbour continued – Anywhere in the document where it deals with “burying the power lines when it is economically feasible” be changed to, “It is encouraged that the power lines abutting the subject property be buried”. 21:52:08 Page 20, #2. We want to be able to get the residential element back in there but not as a requirement. (Commissioner Calacino suggested the following: “We can change that to say anywhere in the document where it says residential is not allowed, say it is a land use that is acceptable”, so that it could be included). Commissioner Barbour accepted that suggestion. She continued on to Page 25 – Delete the whole table dealing with the square footage. 21:53:38. Mr.

Maloy - Staff included two recommendations. Were you opposed to those two recommendations given as Exhibit "D"? Commissioner Barbour – The applicant did not have a problem with this did they? (Mr. Baer advised from the audience that had no problems with those two recommendations). Commissioner Barbour – Then Exhibit "D" will be part of the motion and filed with the minutes.

SECOND: Commissioner Calacino

Commissioner Overson restated the motion 21:55:02 – The motion by Commissioner Barbour is for a positive recommendation to the City Council, encouraging power lines be buried, retain the residential element as being possible and include staff recommendations. This decision is based on findings of fact, discussion, information received during the public hearing and the applicant.

VOTE: All Commissioners voted in favor. Motion passes unanimously.

ZONING ORDINANCE TEXT CHANGE **ZONE CHANGE**

Cottonwood Taylorsville L.C., 2700 West 5400 South

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| 9. | 21Z05 | Recommendation to the City Council to Amend the Zoning Map to Create an MD-4 Zone |
| 10. | 22Z05 MD-4. Planner) | Recommendation to the City Council to Amend the Zoning Map from MD-3 to (Mark McGrath/Community Development Director and Michael Maloy/City |

CONDITIONAL USE

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| 11. | 48C05 | <u>Cottonwood Taylorsville, L.C., 2700 West 5400 South</u> – Commercial Planned Unit Development (Preliminary). (Mark McGrath/Community Development Director and Michael Maloy/City Planner) |
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10.1 Mr. McGrath 19:48:59 advised reference Agenda Items 9 and 10, that staff wants to amend the current MD-3 classification, which is what the property is now zoned, in order to accommodate the development. This is for three specific reasons. 19:49:54 The first one is that the pending General Plan specifically recommends that the zoning map and corresponding zoning ordinance be simplified. It was felt that there are already too many individual classifications in the City and so the recommendation in the General Plan is to reduce classifications rather than add new ones. It was also felt that the existing MD-3 zone is not what it needs to be in order to create vibrant mixed development projects in the City. By amending the existing MD-3 zone it actually accomplishes two specific objectives of the General Plan by improving the existing ordinance and helping to simplify the zoning map. A secondary exhibit was included in the Commissioner's packets, Exhibit B, which is the MD-1 and MD-3 zone modified essentially to accommodate what they are trying to do in the proposed ordinance that Cottonwood Partners submitted to the Commission.

1. Mr. McGrath felt that it provided a significant improvement to the MD-1 and MD-3 zones and all changes were indicated in underline and strike through. He advised that late Friday night he completed a change and E-mailed the results to the applicant. The applicant did a quick review and advised he would like several small amendments be included in the ordinance.
2. Mr. McGrath presented a quick overview of those changes as follows: Page 1 – verbiage change to put back "at the time of" in the last sentence of 13.24.010. Page 4 – move Private Post Office Box Service from conditional uses to permitted uses. Page 5 – move Tanning Studio from conditional uses to permitted uses. Change Travel Bureau to Travel Agency. Page 6 -19:54:14 Move Music Store from conditional uses to permitted uses. Page 7 - Strike out Private Post Office Box Service and Tanning Studio from Conditional Uses and move to Permitted Uses. 19:55:03. Page 8 - At the request of the applicant, Dancing as an Incidental Use, has been added as a Conditional Use. Page 9 - Under Building Height 19:56:03 stipulated under A that no building or structure in the MD-1 zone shall be more than one and a half stories or exceed 20' in height. Under B, that no building or structure located in an MD-3 zone shall contain more than three stories except a building or structure located within 50' of a residential zone boundary line or a residential use shall not contain more than two stories.

3. **Commissioner Overson** advised that she had read somewhere that there may be four story buildings and **Mr. McGrath** said that was reduced back to three stories, with applicant being agreeable to that, mostly due to parking restraints. [19:57:13](#).
4. **Mr. McGrath** continued: Page 9 under 13.24.110: Perimeter Fence, inserted the word "immediately" in front of "adjacent" to residential uses. Added sentence that says, "For the purposes of this section, a mechanical penthouse shall not be considered a story". **Commissioner Calacino** asked if there was not already a provision to exempt that in definition of building height? **Mr. McGrath** added that he would look into that as possibly being redundant.
5. **Mr. McGrath** advised that on the bottom of Page 11, under "Odor", to add the word "offensive between creates odor". [19:58:05](#) One other area that the Applicant wants to discuss, is located on Page 10, under Landscaping Requirements, Section C. [19:59:26](#) Current ordinance requires minimum 2" caliper street trees and the Applicant wants to discuss the possibility of reducing that to 1 ½" in all locations or in secondary locations. As it stands right now, all street trees have to be 2" caliper. There is quite a bit of street frontage on this proposal, so there will be quite a few street trees planted, some of which are in primary locations and some in more secondary locations.
6. **Commissioner Overson** [20:00:31](#) asked if this proposal changes the zone City-wide and if so, has staff had sufficient time to analyze this and **Mr. McGrath** said that it would change the zone City-wide but that staff was comfortable with that. Staff previously felt the MD-1 and MD-3 zones were too restrictive and didn't have the uses necessary to create a vibrant mixed development type of proposal. With these changes, he felt that a number of the uses that have been added will encourage creation of more mixed type developments.
7. **Commissioner Bolton** [20:01:41](#) referenced Paragraph 13.24.180. Section E and asked if there were a way even though this development doesn't want any residential component, that there be an opportunity to change that so that it may be permitted for other developments throughout the City. [20:02:16](#) **Mr. McGrath** said that this was a design standard that was in the original ordinance. Essentially what it says is that in order to meet the purposes of this chapter, the following shall be considered prior to the approval of any plan. The last section says, "The development shall have a residential character if adjacent to residential areas. This specific proposal is adjacent to residential areas. Essentially what this is saying is that typically residential areas have pitched roofs and different types of building materials. The thinking here was that developments adjacent to residential areas would work in harmony with the existing neighborhood area. He was neutral and felt that what is being proposed here, although completely compatible with existing development, is not going work in conflict with the existing neighborhood and from a design perspective will be compatible with the City Office Building, which in no way has a residential design to it. That was struck out at the request of the applicant and staff didn't have a problem with doing that. Perhaps in the future, something could be added back in. **Commissioner Bolton** said his concern was that this was going to affect these zones City-wide and not just this project. [20:04:41](#) **Mr. McGrath** advised that he would look at some alternate verbiage.
8. **Commissioner Overson** asked about the bank or financial Institution without drive Through clause. She wondered if there were possibly a bank tenant being considered and **Mr. McGrath** added that was covered under the Conditional Uses. [20:05:36](#) **Commissioner Overson** was concerned that a bank or financial institution might include a check cashing facility. [20:06:04](#) **Mr. McGrath** commented that would not be allowed in this zone.
9. **Commissioner Jensen** asked about excluding drive through under the restaurant use and **Mr. McGrath** [20:06:35](#) advised that would be correct as not being compatible with this type of land use. **Commissioner Jensen** [20:06:59](#) asked for a definition of on-premises – beer and **Mr. McGrath** said there are two different types of alcohol permits. One is on-premises beer, i.e., beer license with a restaurant. The other is off-premises beer such as a grocery store or 7-11. He continued with the definition of restaurant liquor license as being for beer, hard beer (exceeds 3.2 percent alcohol) within a restaurant. Another definition would be with the addition of mixed drinks at better restaurants, such as are being recruited for this site. [20:10:22](#) **Commissioner Jensen** asked if this would include a beer pub and **Mr. McGrath** said that would be allowed. [20:10:43](#)
10. **Commissioner Overson** [20:10:56](#) asked about the inclusion of medical office on Page 4 and wanted to know if that involved clinics as permitted uses how extensive would that use be, i.e., including surgical procedures, flu shots, etc. **Mr. McGrath** said he did not think it would not involve surgical procedures but

may involve minor emergency cut care, however, that question should probably be answered by the applicant.

- **DISCUSSION:**
- **Mr. Maloy** advised that staff recommended approval of both the Small Area Master Plan amendment and the conditional use permit for the commercial planned unit development of the City Center site. There were a few conditions of approval that were included in the staff report. Also, the applicant submitted an amendment for consideration, which the Commissioners received copies of.
- **Mr. McGrath 20:15:05** wanted to clarify some issues saying that the official request by the applicants was for the new zoning classification and staff recommendation is to modify the MD-3 zone instead. If for any reason the Commission feels uncomfortable about modifying the MD-3 zone, staff recommends adoption of the City Center classification as amended. In the event the decision is to modify the MD-3 zone instead of creating the new zone, Item #10 to rezone the property will not be necessary.
- **Commissioner Overson** commented that if the Commission decides to modify the MD-3 zone, Item #9 to create the MD-4 zone also would not be necessary. **Mr. McGrath** said that was correct because if the MD-4 zone is not created, there is no sense in rezoning the property to MD-4 because there will not be a classification for that zoning.

11.1 **Mr. McGrath** advised that Cottonwood Partners would include in their presentation Agenda Items 8, 9, 10 and 11. **Staff recommends preliminary approval of File #48C05, the Commercial Planned Unit Development, with the following conditions:**

1. Final design of pedestrian plazas shall have direct access from public right-of-way and must include sufficient landscaping, public art, or other site amenities to create focal points within the development and serve as community gathering places. Staff strongly recommends adjacent buildings be designed to have window fenestration overlooking the plazas with access to nearby building entrances.
2. **[Changed by Motion]** Final site plan should be revised to include a street tree and median planting plan that is consistent with concepts in the illustrative site plan contained within the original CCSAMP. **Added: That final site plan should be matched with the recently changed Small Area Master Plan approved Jan 10, 2006 by the Planning Commission and is contingent on approval by the City Council..**
3. Lighting plan should be revised to include a variety of architecturally compatible wall-mounted lighting, however, security lighting must be carefully controlled to avoid glare. Utility wall packs shall have cut-off shields and should be used sparingly.
4. **[Changed by Motion]** Preliminary approval of PUD proposal is subject to final approval of applicable zoning amendments submitted simultaneously by applicant (City Files 21Z05 and 22Z05). **Added: Preliminary approval of the PUD is contingent upon approval of the City Council regarding the applicable zoning amendments listed and all changes passed with the revised Small Area Master Plan.**
5. **[Added by Motion] That the revised Small Area Master Plan is approved tonight contingent upon receiving positive approval from the City Council.**
6. **[Added by Motion] Acceptance of Amendment No. One from developer.**
7. **[Added by motion] That the developer "reconsider" changing the layout of the parking area to match the west area with the pattern in the east area.**

11.3 **APPLICANT ADDRESS: 20:16:18 John West, owner of Cottonwood Partners was present and introduced Mr. Steve Baer, Project Manager.**

11.3.1 **Steve Baer** started his presentation by indorsing the overall objectives and said there were four things needed to achieve success on this site and create something Taylorsville will be proud of. As they looked at the Master Plan for this site, they saw a lot of good things about it but did see some things that caused concern in insuring the success of this project. At the same time there were objectives that had been created for this project which they agreed with.

- **Gathering Place.** **Mr. Baer** was very much in favor of creating a gathering place for the community and have high quality architecture and site plan to assure a good mix of

pedestrian/vehicular traffic flow throughout the site. They want to establish a strong pedestrian orientation so that people can walk to the site, park their vehicles or use mass transportation for access.

- **Mr. Baer** said In order for a non-anchored center to be successful, it must have a mix of blended uses to create synergy in the center and that will draw people into the center. He wished there were more transportation alternatives but for now they are being forced to focus on making sure it works for the automobile but to include allowance for future transportation modes when they become available.
- **Creating a district**, when the City wrote their objectives, they wanted this to be more than a stand alone shopping center and wanted the area to grow.
- **Concept of Gestalt**: At one point in time, the City considered developing the site as separate parcels. **Mr. Baer** felt that was a mistake and this should be developed by a master developer. Above all the project must be economically successful. **Mr. Baer** said the following perceptions were necessary in order to create that success.
 1. One is the original plan had the shops oriented towards the street. This concept has been tried and has worked somewhat in extremely dense metropolitan areas. In this situation, however, the applicant felt that would not be successful on this site and a risk they did not want to assume, so the site plan shows reorientation of the buildings to face 5400 South and the parking lot. All shops should be visible from 5400 South.
 2. The original plan only included a single point of automobile access.
 3. The original parking ratios were quite low and a study was conducted and the parking levels have been raised to that suggested by the study.
- He mentioned there were three objectives tonight – text amendment to the Small Area Master Plan, to attain zoning that is consistent with the use and provide a specific plan for review.
- He addressed the issue of the concept of street trees. [20:23:25](#) The site plan was submitted and reviewed and it was only the day before this hearing that the concern was expressed by staff about the trees on the street, therefore, that has not been worked through with staff yet. The language in the conditional use permit recommendation by staff indicates that the developers would have to have tree planting consistent with the original plan, which had no trees along one of the streets (showed location on the image) but had some in the middle of the divider (showed location on the image) and it was **Mr. Baer's** understanding that trees be included on Centennial Way to bring the size of the street down a little. The tree issue still needs to be worked out. Also of concern is the caliper size of the trees. The objective is to have a mix of trees to provide variety, therefore, **Mr. Baer** felt it would work to have a smaller caliper of tree down streets which have less foot traffic. His idea was that they would grow rapidly and fill in and allow funds to go to other areas of the site plan. He agreed with the overall objective of staff but felt there still needed to be discussion on some issues. He, therefore, requested that point relevant to street trees be deferred for discussion between himself and staff at this time.
- At this point, **Mr. Baer** introduced **Troy Sanders** to review the remaining elements of the site plan.

11.3.2 **Troy Sanders** [20:24:23](#) **Mr. Sanders** is associated with the landscape architectural firm of Allred, Soffee, Wilkinson and Nichols. He advised that their primary goal was to create a workable site plan and felt this one achieves that objective. When they became involved with this project, the first phase of the master plan was completed and included the City Offices, Fire Station, Centennial Way and Taylorsville Blvd. The task given to them was to fit a proposal into those parameters, including an active gathering space and focus uses on Centennial Way to mostly restaurants.

- The main focus of the project is off 5400 South onto Centennial Way. To make this all work, there needs to be an increase in the parking ratio figures. [20:29:03](#) There is a transition from a very busy road into a retail center along with a significant grade difference from 5400 South to the City Hall Building.

- Staff wanted the crosswalk relocated and **Mr. Sanders** advised he made that accommodation. He brought with him tonight an all season planting plan and a coordinated site lighting plan which incorporates what is presently in place with what is being proposed with this project. [20:32:53](#)
- There will be three plazas, two at the end of Centennial Way and one at the corner of 2700 West and 5400 South that would include both water features, art pedestals for sculptures and other art elements as well as benches for seating.
- One other objective of the Small Area Master Plan was that this development created a gathering space for community events, i.e., farmer's markets or different types of festivals. So, in the planning of this they looked at possible accommodations for traffic circulation and parking for these types of events. The proposal during those events is that Centennial Way and Taylorsville Blvd would be blocked off to restrict vehicles from entering. Also to be included per staff request are exterior public restrooms and an area at the northeast corner to remain vacant at this time and which at a future date may possibly be the site for a community arts center.
- In the previous plan a 12' emergency crash gate had been shown at the access to Bent Nail Drive and the Fire Marshal subsequently requested an 18' opening, so modifications were made to the dumpsters and parking in that corner of the site to accommodate that wider opening. The crash gate would be closed all of the time and only be accessible for use by emergency personnel. There is to be a pedestrian access that would be left open to allow access onto the trail system and connects to the sidewalks along Bent Nail Drive.
- Included in the packet was a plan that shows the approximate dimensions of the buildings, the sidewalks, the setbacks off the public streets and the width of the parking areas. The applicants submitted a schematic grading plan showing how the site engineering would work in conjunction with the storm drainage and utility plans, which have been reviewed by City Staff. [20:35:46](#)
- At this point, **Mr. Sanders** turned the time over to Darrell Tate, who is with Commercial CRG to talk about specific uses within the retail buildings.

11.3.3 **Darrell Tate** [20:36:35](#) **Mr. Tate** advised that his focus would be the challenge of leasing out the tenant space with no large anchor tenant. That leaves the necessity to be flexible in choosing uses and looking at market factors to see what is driving the current market.

11.3.4 **Steve Baer** [20:41:33](#) discussed tenant access issues by addressing comments from the Commissioners that they would prefer having both sides of the building so that tenants could choose which side they wanted to be the front side of their store. The applicants felt there were too many challenges in doing that, i.e., the grade changes are significant and to have ADA street access coming from the street side, the building would have to be broken up into three or four components and different elevations, which would substantially reduce the flexibility in leasing space. They felt they could accommodate the grade change with sidewalks and landscaping and elevational changes on the buildings taken up by the foundation wall. There are fairly wide stair cases going up to the secondary entrances to the buildings. Most centers of this nature do not have 360° architecture. In doing that, the cost would increase substantially above the competitors. [20:42:33](#) Relative to the question raised regarding the medical clinic, the thought now is to cluster uses in a particular building for synergy and consistency of use. The thought on a medical use would possibly be an insta-care, optical clinic or chiropractic, with no intensive surgical uses contemplated at this point. He introduced Jim Polanich from ASWN Design to detail the architectural design at this point, including an overview of signage.

11.3.5 **Jim Polanich** [20:43:46](#) discussed in detail the elevations being displayed and how they portray the theme of the center, adding that the materials used would be compatible with those used in the City Office building. He also alluded to the fact that this project is a challenge because there is no large anchor to act as a draw into the center. He explained the lighting types to be used, the landscaping, trellis elements and signage planned for the site. **Mr. Polanich** felt the strong food orientation being planned would insure a very effective and profitable project.

11.4 **DISCUSSION:**

1. **Commissioner Daniels** [20:56:16](#) commented that he still felt this project needs a residential component. **Mr. Baer** [20:56:49](#) indicated that they are getting mixed feelings about that proposal, however, would consider higher density housing and if they can't draw commercial tenants, the

possibility of adding residential units would definitely be considered. However, he felt the project was highly workable as it is being proposed.

2. **Commissioner Calacino** [20:57:46](#) said he appreciated the way the developer addressed concerns from the preliminary review, however, there were still significant issues regarding the transportation network involving vehicular and pedestrian circulation. He was concerned about a possible problem for vehicular traffic circulation during events. He also felt the issue of including residential units in the future should not be excluded, as the market demand in the future may change. [21:00:37](#). **Mr. Baer** advised they had no objection to that proposal.
3. **Commissioner Overson** [21:01:22](#) addressed the issue of trees by saying she felt the more trees the better and would like to see 2" caliper throughout. She asked why the spacing was increased to 30' in between which is different than the usual 25' being required. **Mr. Baer** advised that staff's proposal was for 25' and the developer was asking to space them 30' apart. [21:02:20](#) **Commissioner Overson** asked if the elevation changes would make the parking lower than the perimeter sidewalk and if so, suggested that be bermed or screened. She also wanted to make sure bicycle racks are included with the site furnishings. She wanted to know relative to the buildings along Centennial Way, if there would be a secondary access for people to walk in and out. **Mr. Baer** advised there would be access from the street and from every tenant space from the plaza. [21:04:33](#) She said that one of the elevations showed trail/sidewalk detail and she wondered if the sidewalk would be moved. In the whole configuration the sidewalk is shown but wanted to know if there were some stamped pavement or were all sidewalks just blending into the roadways. Her concern was that the pedestrian walkways be clearly identified. **Mr. Baer** [21:05:56](#) said if the walkway crosses a major road it would be similar to what is in the City Center right now. If it is within a planting area, it would be an actual sidewalk and if within a parking lot, it would be striped. [21:06:30](#) Her next question was if the City would fund the public restrooms, to which **Mr. Baer** replied in the affirmative. She complimented the developer on the proposed three water features and suggested that the one on 2700 W. and 5400 S. might be moved away from the corner and back into the walkway public friendly common areas in the interest of safety. **Mr. Baer** [21:08:02](#) apologized for omitting the bicycle racks as just being an oversight. He felt they are needed and would be added. On the water features, the concept is to have a back wall over which the water cascades into a very shallow pool with stepping stones inside of the pool, which would invite children to enter. There needs to be a little more study into the liability issue. It would have to be treated water. He felt the location on the corner is still the best one and would work well to enhance the project. He expressed concern about the location of the power poles on the corner of 5400 South and 2700 West and regretted they could not be moved because they will likely end up right in the middle of where the water feature is proposed to be located. The present plan for the area is to drop it from the street level a couple of feet to start dealing with the grade drops. There would be steps down into that area. Due to these problems, the feasibility of the water feature at that location is in question at this point. Centennial Way walkways would require additional striping and installation of stamped pavers installed, including bollards.
4. **Commissioner Barbour** [21:11:20](#) advised the applicant that she likes the plan, however, that the tree issue is important and wanted to make sure that if the Commission allows the 1 1/2" caliper trees, that there be some type of guaranteed replacement clause if the trees die. **Mr. Baer** [21:12:20](#) said that there is a one year warrantee whereby they would be replaced within the CC&R agreement. **Commissioner Barbour** also felt the public restrooms were a good idea and wanted to know more about the proposed park and who would be responsible for upkeep of both of these amenities. **Mr. Baer** advised that they have been discussing the creation of CC&R's, however, he wanted to add a qualifier that there is no park but rather just open areas. **Commissioner Barbour** expressed concern over the wording regarding the power lines, adding that she is very much aware of the extremely high cost of burying power lines. **Mr. Baer** [21:16:42](#) commented that they would love to see the lines buried, however, have been told that these lines are double circuit lines and the cost would double. They have received an estimate of \$650,000 to bury the existing power lines. That would definitely affect whether or not the project moves forward. The costs for the project have already been impacted by the grade change and retaining wall. If the cost to bury the power lines could be found elsewhere it would add immensely to the project but as it stands now, that will not be done.

11.5 **PUBLIC HEARING WAS OPENED FOR AGENDA ITEMS 8, 9, 10, AND 11):** [21:19:17](#)

- 11.6 **SPEAKING:** (No one asked to speak to Items 8, 9, or 10). The following individuals spoke reference the Commercial PUD (48C05, Agenda #11)

1. **Doug Anderson**. [21:19:34](#) **Mr. Anderson** was not opposed to the project but did have concern about the proposed Community Arts Center being placed right next to the residential area. He wanted to know the proposed heights of the buildings, adding that his preference was no more than two stories. He also advised that the plan shows trees planted north of the wall and wondered if that were a mistake.
2. **Mitchel William Haycock**. [21:21:27](#) **Mr. Haycock** asked how long it would take to finish the project and wanted to know if it was planned in phases. He also wanted to know the proposed hours of operation, saying that a normal restaurant sometimes is open into the early morning hours and an Insta-Care type facility would be open 24 hours a day. [21:22:42](#) He also expressed concerns with the lighting and walkways leading to the crash gate, with the hours the public restrooms would be open, proposed dumpster locations and the Arts Center. He was extremely negative about the Arts Center, feeling that it would be invasive to his privacy. **Mrs. Haycock** [21:24:29](#) joined Mr. Haycock at the podium and advised that they live directly behind where the amphitheater would go. [21:25:08](#) She was not in favor of that use going in right behind their property due to the noise factor, lighting at night and the proposed location of the dumpster. She commented that there is a big problem now with snakes and rats coming from this property and when construction starts, that would escalate and drive the rodents into the whole neighborhood.
3. **Phillip Jordan** - Member of the Economic Advisory Committee and Chamber West. [21:27:35](#) **Mr. Jordan** felt this was the best use of this land and would foster economic growth for the City. He said it was an exciting, unique project which would give identity to the City Center and provide a great commercial and pedestrian feel.

11.7 **APPLICANT READDRESS:**

- [21:28:58](#) **Mr. Baer** asked to comment to some of the concerns expressed by the neighbors. On phasing, he said that financial Institution require 40% pre-leasing on a project before construction, therefore, he could not make specific comments on that at this time. They would like to do it in three large phases. Regarding hours of operation, [21:29:49](#) he assumed midnight would be the ending hours of operation and that any 24 hour facility would have to qualify for a conditional use permit. The lights would be dimmed down within an hour after end of operation. [21:30:26](#) He had no strong feeling about the walkway but felt allowing access to the residential community would be a positive thing. [21:30:52](#) Connectivity. The operational hours of the public restrooms have not been addressed and that would be the responsibility of the property manager for the entire project to oversee. [21:31:25](#) (He showed on the site plan where the dumpsters would be located throughout the project). Regarding the fence, the wall [21:32:08](#) would be developed when and if the Arts Center goes in. **Mr. Baer** asked Mr. Adams to address the issue of the Arts Center.
- **Don Adams** (Economic Development Director for Taylorsville) [21:32:43](#) **Mr. Adams** said that the Arts Center being depicted on the plan is simply an artist's rendering. It is not a funded project and just something that is envisioned as being possible. He added that whatever goes in there probably won't be more than two stories high and would not have many windows. Any structure would actually be placed about 40' away from the wall but nothing firm is being planned at this stage. The developer just wanted to show an indicative footprint for possible future development.

11.8 **CLOSED FOR COMMISSION DISCUSSION OR A MOTION**

11.9 **DISCUSSION:**

1. **Mr. McGrath** asked to address a previous question from Commissioner Bolton. In Section 13.24.180 Design Considerations where Commissioner Bolton was concerned about applicant striking letter "E" – "The development shall have a residential character if adjacent to residential areas. (Ord.00 56, 12 20 2000). **Mr. McGrath** suggested saying, "The development shall have residential architectural character where directly adjacent to residential areas." He felt that way with this project, the only building that would be applicable to was the future Arts Center or whatever goes there. The rest of the Center could proceed as already designed. **Commissioner Bolton** said that he was not looking for it to say "has" to but just leave it as an option saying that it "may". **Mr. McGrath** suggested replacing "shall" with "should". **Commissioner Bolton** advised he would rather "shall" be replaced with "may" to leave it more flexible. Maybe it could read, "The development may have a residential character if adjacent to a residential use". **Mr. McGrath** agreed with that change. [21:38:49](#)

2. **Commissioner Barbour** [21:39:05](#) commented that she didn't want the whole project to die over the issue of whether or not to bury the power lines. She wanted to encourage the City to step up and help the applicant out with that cost. She agreed that she was not sure how to deal with that problem but did want it considered. [21:39:55](#)
 3. **Commissioner Calacino** [21:40:08](#) suggested the Commission takes the applications being presented and make it applicable for each as they stand. One is the Small Area Master Plan Amendment [21:40:25](#), which is a master plan, a visioning document and guiding tool - not an ordinance. The wording on that particular issue could say like it originally did, that power lines along 5400 South and 2700 West should be buried, not saying who specifically should bury those. That wording is adequate. In regards to the Conditional Use for this particular site and development of the property, he thought it was more than appropriate to address that issue more specifically and if it ends up being a condition, the wording of that condition might be to the effect that development of the site by this developer taking into consideration burying of the power lines, which could perceivably include partnering with the City to share that expense. That way a particular developer is not put on the hook to bury those power lines, which is going to be very expensive. That is adequate. [21:41:20](#) His concern was that a general plan amendment and verbiage has become too specific and should be left as a concept. [21:42:13](#).
 4. **Commissioner Bolton** [21:43:21](#) advised that in reference to that statement, there is an amendment to the Conditional Use, which refers back to requirements in the Small Area Master Plan and the Zoning Ordinance. All three are before the Commission this evening. **Commissioner Calacino** agreed but did not feel there was sufficient time this evening to go through each line by line to make the distinction, however, he felt there were some elements and some issues that have been brought up that can easily be clarified.
 5. **Commissioner Overson** suggested starting with Agenda Item #8 – Recommendation to the City Council to Amend the City Center Small Area Master Plan.
 - **Commissioner Calacino** said that he would like to comment on that. He felt a couple of items in the Small Area Master Plan document dated January 10, 2006, which shows the existing proposed amendments, should be discussed. The Small Area Master Plan should at least encourage a residential component. Right now the proposal is to completely remove any residential land use from that master plan and he did not want to see that happen. He saw no problem with leaving in specific wording in that master plan that would allow a residential land use and felt that was appropriate, whether it be now or in the distant future. [21:45:33](#) In regard to the power lines, it should be generally noted that the master plan would like to see the power lines buried and how that occurs will be dealt with each specific development. The verbiage could say it is encouraged that the power lines be buried.
 6. **Commissioner Overson** opened discussion for Agenda Item #9 for a recommendation to the City Council to amend the Zoning Ordinance to create an MD-4 Zone. **Commissioner Calacino** advised that it is the consensus of the Commission and Staff that modifying the MD-3 Zone would suffice and the creation of an MD-4 Zone would not be necessary. [21:32:43](#) Also, for that same reason, Item 10 will require no action because there will be no MD-4 Zone created.
- 11.10 **MOTION FOR AGENDA ITEM #9:** [21:57:30](#) **Commissioner Calacino – Agenda #9 - I would make a motion that we send a positive recommendation to the City Council to make the proposed amendments to the City's MD-1 and MD-3 Zones as presented by staff in Exhibit B. This is based on findings of fact, presentation, public comment and some items discussed as well, i.e., pertaining to the size of trees and land uses. Agenda Item #10 - Do away with the proposed amendment to create a separate zone for the City.**
SECOND: Commissioner Daniels
Commissioner Overson [21:58:23](#) restated the motion – We have a motion by Commissioner Calacino to send a positive recommendation to the City Council amending the Zoning Ordinance by modifying the MD-1 and MD-3 Zones. That decision was based on the staff report, oral testimony from the public, from the applicant and discussion amongst the Planning Commissioners. Seconded by Commissioner Daniels.

DISCUSSION: Commissioner Jensen - Does that include all the proposed changes that we talked about as a group? Commissioner Overson 21:59:01 – Yes, based on our discussion in this meeting tonight. Commissioner Calacino - The intent of the motion is to include those.

VOTE: All Commissioners voted in favor. Motion passes unanimously.

Commissioner Calacino – In that ordinance, it does refer to the size of trees, which was a topic of discussion and I would like to clarify the way that I understand it is that 2" caliper trees is regulated in the ordinance and my interpretation of the ordinance is that includes all the public street because they will be the property and maintenance responsibility of the City because it is within the public right-of-way. Where 1 ½" caliper trees are permissible in parking lots and around the individual buildings. I think that is appropriate for one reason only because a 2" caliper tree can handle a lot more abuse than can a 1 ½" caliper tree and being that it is within the public right-of-way and maintenance responsibility of the City unless that is part of the overall maintenance agreement for the City Center. 21:59:49. It is, therefore appropriate to have them within the public right-of-way. Commissioner Overson - Thank you and this is a modification to the zone City-wide and not necessarily just the City Center property. File #21Z05 has been unanimously approved.

- 11.11 **MOTION FOR AGENDA ITEM #10. 22:01:02** Commissioner Calacino - I move for denial of Application 22Z05 due to the fact that the Planning Commission's decision this evening was to modify the MD-3 zone and not create an MD-4 zone.

SECOND: Commissioner Bolton

VOTE: All Commissioners voted in favor. Motion passes unanimously.

- 11.12 **DISCUSSION FOR AGENDA ITEM #11** (Commercial Planned Unit Development – Cottonwood Taylorsville, L.C.):

1. Commissioner Calacino 22:02:53 advised that as the Commission proceeds to make a decision, all items discussed this evening must be taken into consideration, ranging from the bike rack, water features, crosswalk elements, parking lot layout, trees, façade and architecture. Anything that isn't specifically mentioned in the packet proposed by the applicant must be included. 22:03:23
2. Commissioner Overson 22:04:22 reiterated her concerns as being that the trees need to be 2" caliper, that bike racks need to be furnished on site, the parking areas need to be properly bermed, and to be sure the remaining staff recommendations are included in the motion.
3. Commissioner Calacino 22:05:10 wanted to clarify some concerns as being: That the Small Area Master Plan is being proposed for this property and zone changes are being proposed and the Commission has made recommendations on both of those to the City Council, he felt it was appropriate now to make a preliminary decision on the Conditional Use tonight because in the past, procedural-wise the Commission has not acted on a Conditional Use application until after the City Council has made a decision when there is a zone change being heard consecutively. He wanted to be able to feel comfortable with this and wondered if the City Attorney, who was present, could speak to that issue. Maybe all that needs to be done is to add a condition regarding the vested right of the conditional use doesn't kick in until the City Council has done their part. 22:06:48 Mr. McGrath said that would be correct if the statement is included that the preliminary conditional use approval is contingent on the City Council adopting the amendments to the Small Area Master Plan and the Zoning Ordinance amendments that were previously given positive recommendations by the Commission.
4. Commissioner Barbour expressed concern about requiring 2" caliper trees all the way around and felt 1 ½" would suffice in some areas. That to require 2" caliper trees would involve a lot of money. Commissioner Calacino felt that 2" caliper trees would be appropriate on all public roads, however, within the parking lots 1 ½" would be suitable and that the project manager would be responsible to replace any of the smaller trees that subsequently die. Commissioner Daniels 22:09:34 added that in many cases the more substantial tree, while the original cost may be greater, would probably last longer in the long run.
5. Commissioner Calacino felt that most of his concerns had been adequately addressed, but he still would like to see the doors facing the street, however, had accepted the fact that probably would not happen. Nonetheless, he would like the applicant to pursue the possibility of realigning the parking lot to improve circulation as previously discussed this evening. Commissioner

Overson 22:11:33 felt that may make sense but could also cause the automobile operator to want to go faster and felt it should be left as proposed in order to be more pedestrian than vehicle friendly. She also wondered how many times there would be the impact of closing off the area for festivals.

- 11.13 **MOTION FOR AGENDA ITEM #11: Commissioner Jensen 22:12:42** - I move that we approve File #48C05, Commercial Planned Unit Development on the City Center property based on staff recommendations 1 through 4 with the following changes thereto. On #2 that final site plan should be matched with the recently changed Small Area Master Plan approved tonight. 22:13:11 On #4 that preliminary approval of the PUD is based upon approval of the applicable zoning amendments listed and all the changes passed on with the positive recommendation to the City Council tonight. On #5 that the revised Small Area Master Plan approved tonight also receives positive approval from the City Council. 22:13:37
SECOND: Commissioner Calacino
DISCUSSION: Commissioner Barbour – The Planning Commission was given a document from the applicant titled Amendment No. One to the Conditional Use Permit Application. Have we dealt with this at all? Commissioner Calacino - I don't think we have dealt with it but it is a modification of what is within the Conditional Use packet, so I believe that we should take a quick minute to compare what is in the packet and what is being asked, because this was actually submitted by the developer in regards to the Conditional Use application, so if we are approving this packet which outlines the overall conditions and development goals of this project, then it would be appropriate to review quickly. It looks like it deals mostly with signage. Commissioner Overson -22:15:34 It seems to reflect what we have talked about this evening. Will there be a final signage package? Mr. McGrath - Yes. Commissioner Overson - I think it appropriate to include this in the motion. Commissioner Jensen - 22:16:38 I would like to add another recommendation to the motion and that is that we submit a positive approval for what is called Amendment No. One, dated January 10, 2006, which was handed out to the Commission this evening by the applicant. I would also like to recommend the developer consider reviewing the parking lot orientation to make it work for vehicles and traffic in the west section a little better. I like what has been done in the parking lot to the east and would like to see if they can do something similar with the parking lot on the west side. Commissioner Barbour- I understand that to be just an “encouragement” for them to take another look and not an approval condition. Commissioner Jensen - That is correct.
SECOND: Commissioner Barbour
DISCUSSION: Mr. McGrath - I would like to clarify a couple of things for the public record. 22:17:22 – In consideration of the tree issue, we are following our ordinance that basically calls for a 2” caliper tree on public streets and potentially go down to 1 ½” calipers in parking lots. The street trees would be 2” caliper and the trees inside the parking areas could go down to 1 ½” caliper per ordinance. 22:18:17. Mr. McGrath - Another issue is that the applicant's have requested that final conditional approval be delegated to the Staff. Clearly there are still a number of issues that need to be refined in the Conditional Use process but the applicants have requested those issues be delegated to Staff and that the final Conditional Use approval and refinements be handled by Staff. Clearly they are issues that don't have great substance and if there are any issues that are of significant substance or an agreement cannot be reached between Staff and the applicants, then it would come back to the Planning Commission. We would just like that clarified for the record. Commissioner Jensen - That will work for me. 22:19:18
Commissioner Jensen 22:20:27 restated his motion as being to approve File 48C05 with Staff Recommendations 1 through 4, amending Recommendation #2 to add based on the Small Area Master Plan amendment recommended for approval contingent upon City Council approval, including #4, final approval of the zoning amendment and #5 the new Small Area Master Plan, #6, approving Amendment No. One from developer, and #7, for the applicant to reconsider the layout of the parking lot on the west side. Commissioner Overson - For “reconsideration” but not a recommendation. Commissioner Jensen - Correct. 22:19:55
VOTE: All Commissioners voted in favor. Motion passes unanimously.

Break – 2 minutes 10:24 to 10:26

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| 12. 41C05 | <u>Kehl Commercial – 3564 West 6200 South</u> – Auto Glass Repair. (Preliminary) (Nick Norris/City Planner) |
|-----------|---|

[22:26:26](#)

12.1 **Mr. Norris** oriented on the site plan, aerial map and images. The applicant is proposing a new commercial development on the northeast corner of the intersection of 6200 South and Bangerter Highway. The lot consists of two separate parcels owned by the same individual. The total area is approximately 1.45 acres and is zoned C-2. The applicant intends to construct the buildings in phases. The first phase will consist of a building for Techna-Glass an automobile glass repair company. [22:29:09](#) **Staff recommends approval with the following conditions:**

1. That the applicant installs the vehicular access to Prairie View Drive during the construction of Phase I. The drive aisle to 6200 South shall be marked to direct vehicles that are exiting the site to exit onto Prairie View Drive.
2. That the applicant closes the existing western access point (leaving the other two existing accesses) along 6200 South and replace the curb, gutter, park strip and sidewalk so that they meet current City standards. The applicant shall obtain all necessary permits and adhere to all applicable regulations for doing so.
3. That the applicant reconfigures the two remaining accesses along 6200 South as part of the development of Phase II. The reconfigured access shall be approved by the Utah Department of Transportation.
4. That the applicant installs a 6 foot high vinyl fence along the entire north property line. The vinyl fence should match the color of the vinyl fence installed at the Kehl Office Building located on the east side of Prairie View Drive.
5. That the applicant installs a landscaping buffer along the north property that includes sufficient landscaping and a variety of species to adequately buffer the residential areas from any adverse noise, light, etc. The landscape buffer shall include some evergreen trees and shrubs.
6. That the landscaping setbacks near the points of egress/ingress be increased to 20 feet and be planted with vegetation that at maturity will be no taller than 30 inches above the height of the road surface of 6200 South to maintain a clear view for vehicles.
7. That no illumination is built into the proposed pole sign OR the pole sign be limited to a maximum height of 26.5 feet.
8. That the private walkway to the commercial building be connected to the public sidewalk on 6200 South.
9. That all requirements of the technical review process (including storm drainage, public improvements, etc.) be reviewed and approved by the City prior to Final Conditional Use Permit review.
10. That Phase II be reviewed as an amendment to this Conditional Use Permit and undergo a similar review and approval process.
11. That if any major changes to the site plan be required, the Planning Commission reviews and approves those changes.
12. That final review and approval be performed by Staff. If there is an issue that cannot be resolved by Staff and the Applicant, then the matter will be reviewed by the Planning Commission for resolution.

12.2 **APPLICANT ADDRESS: Dale Kehl** was present and said after having read Staff's recommendations, he had no problem being in compliance with any of them.

12.3 **SPEAKING:** None.

12.4 **CLOSED FOR COMMISSION DISCUSSION OR A MOTION.** **Commissioner Calacino** [22:36:20](#) commented that this project is a prime example of how smoothly the process can work, in that the Commission and Staff pointed out issues to the applicant and he mitigated them.

12.5 **MOTION:** **Commissioner Smith** [22:37:29](#) - I move for approval of File #41C05. I feel it is a significant improvement to the area which provides needed services to the community. I too feel good about the professional way this project was handled by everyone concerned.
SECOND: **Commissioner Calacino** – Would that include staff recommendations 1-12 and design issues? [22:38:27](#) **Commissioner Smith** - Yes.
VOTE: All Commissioners voted in favor. Motion passes unanimously.

13. 46C05 **Ivory Homes, Inc. – 6200 S. 3200 W.** – PUD comprised of 37 Attached Dwelling Units and One Commercial Building. (Conceptual) (Nick Norris/City Planner)

[22:39:05](#)

13.1 **Mr. Norris** oriented on the site plan, aerial map and images. The applicant is proposing a 37 unit residential planned unit development. The property is zoned C-2 and is approximately 4.3 acres. This parcel of land was included in Phase 10 of the Ivory Highlands Subdivision and Planned Unit Development. The units will be town homes with 3-4 units per building. Staff does not make a formal recommendation for items under conceptual review. **Mr. Norris** explained there are three stages for approval of a conditional use – Conceptual, Preliminary and then Final. After this step there will be the formal preliminary review with properly noticing for a public hearing. Because the individual units will be sold by the developer, there will be a subdivision process. This is essentially an amendment to an existing subdivision because this parcel was indicated on the platted lot for Phase 10 of Ivory Highlands. Essentially it is a similar process to a new subdivision. He felt safety, density and lack of connectivity with Ivory Highlands were the biggest issues. The biggest safety issue was with the misalignment of Sierra Grande with the access into this proposed project. [22:48:11](#)

DISCUSSION: **Commissioner Calacino** [22:50:24](#) asked about the density issue, specifically if the acreage included the commercial piece on the corner. **Mr. Norris** advised that the dimensions of the commercial area was not available, however, it would be taken out of the total acreage in order to determine density. **Commissioner Calacino** asked if the figure now proposed included the corner piece and **Mr. Norris** [22:51:10](#) advised that it did and that if it stays commercial, that square footage will be subtracted. That it would not change the overall acreage more than an acre, therefore, the impact on the overall density would be minimal. **Commissioner Jensen** [22:51:32](#) asked if the commercial area on the corner a requirement or could it be all residential if they chose to do so? **Mr. Norris** said if they chose to do that, they could as long as they meet the requirements of the C-2 zone. [22:51:56](#) **Commissioner Overson** asked if the private road would connect to the public road on 6200 South and also on 3200 West. **Mr. Norris** advised that was correct. One of the problems with putting control points on 6200 South and 3200 West is it would probably limit the full access to the site. [22:52:49](#) **Commissioner Calacino** [22:53:33](#) wanted to clarify the fact that when Ivory Highlands Phase 10 was proposed, this entire piece was going to be commercial and apparently now Ivory Homes is trying to fit some type of residential on the site because they cannot sell it as commercial. **Mr. Norris** said he did not know the reasons behind wanting to do residential versus commercial.

13.2 **APPLICANT ADDRESS:** **Chris Gamvroulas and Gonzalo Stevens, Ivory Homes, Inc.** [22:55:38](#). **Mr. Gamvroulas** gave the presentation, saying he had been involved with Ivory Highlands from its inception. He wanted to comment tonight on just a few issues. [22:57:30](#) The commercial piece is part of Ivory Highlands Phase 10. That is important because the density is calculated on the project as a whole. There are a couple of different types of units being proposed because of the slope to the land. Architecturally there are two ways to deal with that grade change, one is to fight it with large retaining walls the other is to embrace it and use architecture to do the retaining. The fact is that there are both downhill and uphill units proposed. The footprints for the downhill units are very large, some with five bedrooms. The applicants decided to design the architecture around the grade changes. **Mr. Gamvroulas** displayed the color patterns and material types they are proposing and advised that architectural details will be provided on both sides of the buildings. They are proposing to place the road down the middle of the project. He explained that Ivory Homes is just trying to find the best and most respectful use of the ground and felt the town home project would work well. The average size of the town homes was projected at 2300 square feet and the smallest unit would be 1966 square feet. This proposal is definitely still in the conceptual stage, so there is room for changes to occur. He also displayed some sketches of the proposed commercial project.

13.3 **Commissioner Overson** advised that even through this is not a public hearing, the Commission would listen to public comment from those wishing to do so this evening. [22:39:55](#)

13.4 **SPEAKING:**

1. **Matthew Cox** [23:33:16](#) **Mr. Cox** was concerned about traffic and felt the misalignment of streets is a big problem and would negatively impact the rush hour gridlock which already occurs. He added that if this is part of Phase 10, the required conditions should be the same for this site, which is for single family homes.
2. **Aimee Newton** [23:35:13](#) **Mrs. Newton** expressed frustration over the density a town home project would create and felt that 37 units is not acceptable. She felt that if the number of units were reduced, it probably would alleviate the problem. She presented the Commission with a petition against this proposal signed by 212 individuals from 220 homes they visited regarding this project.

3. **Dave Land** - President of the Home Owner's Association (HOA). [23:38:11](#). **Mr. Land** said that Ivory homes does have control over the HOA and that virtually everyone is opposed to the density for reasons stated. CC&R's for the organization allow for 400 homes. Phase 10 is a separate PUD from Phases 1-9. [23:39:13](#). He felt that 24 units, which would conform with the general plan is a more acceptable density. He was concerned that the traffic would route through the lower part of Ivory Highlands as being an easier access.
4. **Brice Dallimore** – Ivory Homes. [23:40:46](#). **Mr. Dalamore** felt that a commercial development would be a better neighbor because commercial traffic would be commuting to and from work at differing times than community traffic.
5. **Brian Shrimp** (Lives in Phase 10) [23:42:46](#). He said they were told that there would be a wall and fencing installed, also that there was going to be commercial along 6200 South. The homeowners in Phase 10 were in favor of that and now find they were apparently lied to.
6. **John Mamoth** (Lives in Phase 10) [23:43:45](#). He had a traffic issue because there is a Community Park on Cisco Ridge and felt the added traffic onto that road would negatively impact the safety of their children.
7. **Bryce Jones** (Lives in Phase 9) [23:44:21](#). **Mr. Jones** felt this project would have an adverse affect on the health, safety and welfare of the whole subdivision. He was concerned that people would exit the traffic problems along 6200 South and cut through his neighborhood. He also felt the higher density of units being proposed would detrimentally affect and increase traffic and was in favor of lower density housing. Whether there is commercial or not, he wanted to make sure the sidewalk was upgraded and green space provided along 6200 South which could tolerate the fumes emanating from vehicle exhausts. He was concerned that the HOA would need to substantially increase individual home owner's fees for all of Ivory Highlands in order to accommodate these new units. He added that there may be neighborhood support if the number of units were to be greatly reduced. He added that it is his opinion that the City is setting a negative precedent in supporting this project.
8. **Donna Armstrong** [23:55:20](#). **Mrs. Armstrong** said that she loves her community and bought this home hoping to settle in it for their golden years. She asked that the City consider their feelings in this matter and make sure promises made to them are kept.
9. **Stuart McKnight** [23:57:35](#). **Mr. McKnight** felt that the developer by using an old document to create a new plan was not being completely honest.

13.5 **DISCUSSION:**

1. **Commissioner Overson** [23:59:12](#) clarified the fact that the City of Taylorsville has no authority over CC&R's. That they are strictly a private entity of the subdivision.
2. **Commissioner Bolton** [00:01:37](#) asked if this were being planned as a gated community and **Mr. Gamvroulas** answered that had been proposed during meetings with the neighbors but no decision has been reached one way or the other.
3. **Commissioner Calacino** [00:02:40](#) commented that if this is part of Ivory Highlands it has to be held to the same standards. Attached units are okay but must be comparable in quality. If it stands on its own merits then okay but his feeling was it should either be all commercial or all residential. [00:04:25](#)
4. **Commissioner Daniels** [00:04:56](#) was concerned that apparently a promise was made to the neighborhood for a certain type of community and now that is changing with this proposal. **Mr. Gamvroulas** [00:05:59](#) said that there is no question in his mind that this project will be equal in quality. He felt that if taking medium density to commercial would be an up-zone, then going from commercial to medium density would be a down-zone. He commented that they actually had a building permit to install a 12' high wall but decided to re-think the project and feel what they are now proposing is definitely superior and the best use for this site. [00:15:03](#) **Commissioner Daniels** said he would rather see residential units than commercial and a more ethical density count inasmuch as this is being put forth as a development in itself.
5. **Commissioner Smith** [00:07:14](#) expressed that he was in favor of changing the density to 24 single family homes which would still make the project economically feasible for the developer.

6. **Commissioner Barbour** [00:09:42](#) didn't feel these town homes were bad looking and would prefer seeing those than the back of commercial buildings. She was undecided as to whether this should be dealt with as part of Ivory Highlands. [00:10:37](#)
7. **Commissioner Overson** [00:12:30](#) shared her feelings on commercial versus residential, saying the corner was too busy to replace the commercial with residential. With regard to the road, whether it is located in the center or end of the project, there will need to be a traffic study accomplished. She would like to see lower density. This project is contrary to what prior home owners in Ivory Highlands signed up for. She also would like to see the play area proposed towards 3200 West moved into the center of the project. She liked the looks of the development, however, felt there were too many units being proposed.
8. **Commissioner Bolton** [00:16:12](#) said the offset of the road across 6200 South is about 30' and asked that the developer at least look at a way to fix that
9. **Commissioner Jensen** [00:17:08](#) asked that this either be a continuation of Phase 10 and make it consistent or make it Phase 11. He did not feel a private road in the middle of public roads made any sense. [00:17:44](#) He was not sure if the commercial aspect were really necessary and said the developer is sending mixed signals to the current residents of Ivory Highlands.
10. **Commissioner Barbour** [00:18:38](#) added that what she was hearing was that overall, if it is part of Ivory Highlands, then it should be like what is there now. No one is objecting to the look of these town homes but this project should stand on its own.
11. **Commissioner Calacino** [00:19:59](#) agreed and commented that how the units are being arranged to deal with the topography is a good use of the land. He still would prefer all residential and no commercial included and asked the developer to at least consider that alternative.
12. **Mr. Gamvroulas** thanked the Commissioners and concerned neighbors for their comments and said the project would come back for preliminary review.

SUBDIVISION

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| 14. 9S05 | <u>Gough Construction, 1480 W. Connie Way (6345 South)</u> – 14 Residential Lots (Final) (Michael Maloy/City Planner) |
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14.1 **Mr. Maloy** oriented on the site plan, aerial map and images. [00:22:38](#) **Mr. Tim Gough**, Gough Construction, has submitted an application to subdivide six existing residential parcels into 14 lots, creating 12 new buildable lots. The subdivision will be served by construction of a new cul-de-sac that will extend northward from Connie Way (6345 South). All existing structures contained within the proposed subdivision boundary will be demolished except for the Verion Smart residence at 6320 South Coral Drive (1400 West) and the Gordon Ryther residence, 1442 West Connie Way. **Commissioner Jensen** [00:25:50](#) asked if the lot on the northeast corner which belongs to Carl and Edith Faber is a deep lot and not attached to this project. **Mr. Maloy** replied that Gough Construction has made some overture on that property and apparently the property owner expressed no interest in selling or being part of that subdivision. **Commissioner Jensen** then wanted to know if there were any access problems created by that and **Mr. Maloy** advised that there is an access point through the Faber's side yard if they did subsequently want to develop that as a deep lot.

14.2 **APPLICANT ADDRESS:** **Tim Gough** - Gough Construction. [00:27:47](#) **Mr. Gough** advised that there should not be too many questions to be answered this evening and felt all small issues have been taken care of.

14.3 **SPEAKING:**

1. **Edith Faber** [00:28:54](#) **Mrs. Faber** said that she was not approached by Gough Construction about access nor the right-of-way. She has many questions about what is being proposed and was concerned that they received no notification until this was at the preliminary approval stage. [00:33:47](#) **Commissioner Barbour** asked if she had received no previous notices and **Mrs. Faber** said she did but was out of town. **Commissioner Jensen** [00:35:52](#) asked Mrs. Faber what she would like to see

done at this point and she replied that she would like some questions answered such as where the water will be coming from, how tall are the buildings and what will happen to her animals if this goes through? She also had concerns about traffic safety. She commented that she was also representing Varian Smart who owns the property directly impacted by this development. He is elderly and was not able to attend the meeting this evening. [00:36:40](#) **Commissioner Overson** [00:40:05](#) asked her about the driveway that she was offered to purchase and did it border her property. **Mrs. Faber** replied that it would allow access to the back piece of her property and without it, the back area of her property is land locked. **Commissioner Overson** asked her how she accessed the property now and **Mrs. Faber** advised that they just drive through the pasture. It is not wide enough for a driveway. **Commissioner Jensen** [00:43:19](#) informed her that the developer seems to be more than willing to discuss the project with her and suggested she contact him.

2. **Bruce Fuller** (Lives on Connie Way). [00:44:26](#) He asked what the parameters are for setting up homes in that area and said that up to this point, it has been a rambler's only area. He wanted to know what the restrictions would be for this project.
3. **Carolyn Delescadas** (Lives on Connie Way) [00:46:02](#) **Mrs. Delescadas** advised that she has lost her view of the valley due to a home recently built behind her property that is three stories high and was concerned about the size of these homes being proposed by Gough Construction. She was also concerned about drainage problems.
4. **Terri Christopherson** [00:48:36](#) wanted to know where the storm drains were going to be. She said that presently on Coral Drive there are French drains in place and the property owners are in litigation about drainage. She felt the monster size homes were the City's mistake and wanted them to take responsibility for having created that.
5. **Ron White** (Lives on Connie Way). [00:49:54](#) **Mr. White** said there is a ditch on the property and flooding is a big problem, especially into basements. Storm water drainage is a major issue for him.
6. **Tommy Manning** (Lives on Coral Drive). [00:51:54](#). **Mr. Manning** is concerned about the driveway which runs alongside his house and wanted to know if that was planned to be an access into this subdivision. Another question was that all of the homes along Coral Drive are single level because of the water table and had that been taken into consideration in the planning for this subdivision.
7. **Ted Vanderlinden** (Lives on 6235 South). [00:53:09](#) **Mr. Vanderlinden** advised that the corner of his property borders part of the pasture and he did not want his property to become an easement for this subdivision. He expressed concern about the very high water table in that area and wanted to know if that would be a problem with these new homes. Drainage is a big issue.
8. **Spencer Workman** [00:55:59](#) was concerned with the land behind his draining onto his lot.

14.4 **APPLICANT READDRESS:** **Mr. Gough** [00:57:25](#) commented that the biggest concern seems to be water. The intent is to pipe the irrigation ditch so that water rights are not impacted. Gough Construction is also providing a berm in the back to hold the storm water on site. No right of ways through existing property is being requested and these homes will compare to those in Cannonwood Estates. **Commissioner Overson** commented that apparently the applicant has addressed the water and access issues. **Commissioner Daniels** [01:08:10](#) expressed concern about the neighbors not being informed of the public hearings and asked if Mr. Gough would be willing to meet separately with the neighbors to answer their questions, to which **Mr. Gough** replied he would be agreeable to do that. **Commissioner Jensen** was still concerned about the Faber property being land locked and **Commissioner Barbour** advised him that was not the case. [01:09:58](#)

14.5 **CLOSED FOR COMMISSION DISCUSSION OR A MOTION.**

14.6 **MOTION: Commissioner Barbour - I move that final approval be given with regards to 9S05.**

SECOND: Commissioner Calacino

Commissioner Overson - There is a motion by Commissioner Barbour to approve File 9S05 with the recommendations in the staff report, based on the oral testimony by the applicant, taking into account testimony heard by the public, with a second by Commissioner Calacino.

DISCUSSION: Commissioner Calacino - 01:11:12 A lot of the subdivisions that come before the Commission are straight forward in that they comply with the minimum lot size per zone and minimum lot width and can provide public right-of-way. It seems like the issues are

usually with regard to engineering such as storm drainage. I believe that we have to trust staff and the City Engineer to resolve those issues during review. If problems do occur after such time that the development is built, the City will be responsible to fix those problems
VOTE: All Commissioners voted in favor. Motion is approved unanimously.

REVIEW OF CITY COUNCIL MEETING: Commissioner Calacino attended the last City Council meeting and advised there were no planning matters discussed.

ADJOURNMENT: By motion of **Commissioner Calacino** and second by **Commissioner Smith** the meeting was adjourned at [01:20:06](#).

Respectfully submitted by:

(Signed – Feb 15, 2006)

Jean Gallegos, Admin Assistant/Recorder
Planning Commission

Approved in meeting held on February 14, 2006.